

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION

WILLIAM NELSON, III

PLAINTIFF

v.

No. 3:18CV189-GHD-JMV

WARDEN LEPHER JENKINS  
MR. DEAN, CHIEF OF SECURITY  
SGT. TONYA BOYD, DISCIPLINARY HEARING OFFICER  
CORRECTIONS OFFICER N. MARION  
MS. DAVENPORT, DISCIPLINARY INVESTIGATOR  
HAROLD TATUM

DEFENDANTS

JUDGMENT

Having considered the file and records in this action, the court finds that the Report and Recommendation of the United States Magistrate Judge was duly served by mail upon the *pro se* plaintiff at his last known address; that more than fourteen days have elapsed since service of the Report and Recommendation; and that no objection to the Report and Recommendation has been filed or served by any party. The Magistrate Judge's Report and Recommendation should therefore be approved and adopted as the opinion of the court. It is **ORDERED**:

1. That the Report and Recommendation of the United States Magistrate Judge is hereby **APPROVED AND ADOPTED** as the opinion of the court.
2. That defendants **Jenkins, Dean, Davenport, Boyd, and Tatum** are **DISMISSED** from this case for failure to state a constitutional question, as they participated in the events of this case only in their capacities as supervisors or as part of the grievance process.
3. That the plaintiff's claims against defendants **Jenkins, Dean, Davenport, Boyd, and Tatum** regarding *excessive force* are **DISMISSED** for failure to state a claim upon which relief could be granted, as none of these defendants directly participated in the incident.

4. That the plaintiff's claims against defendants **Jenkins, Dean, Davenport, Boyd, and Tatum** regarding violation of his right to *due process* are **DISMISSED** for failure to state a constitutional question, as the punishment the plaintiff received was insufficient to trigger due process protections.

5. That the plaintiff's allegations against **CO Marion** for *excessive force* and *retaliation* shall **PROCEED**.

SO ORDERED, this, the 12th day of February, 2019.

  
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SENIOR JUDGE